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JUN 26 2007

Application No. 10/669,359
Amendment dated June 26, 2007
Reply to Office Action of March 26, 2007

Docket No.: 3560-0132P

AMENDMENTS TO THE DRAWINGS

Please replace Figs. 1-6 with the attached replacement sheets containing Figs. 1-6.

The attached sheets of drawings includes changes to Figs. 1-6 to place said drawings in compliance with 37 C.F.R. § 1.121(d). Additionally, Fig. 1A has been amended to comply with 37 C.F.R. § 1.83(a) by inserting reference numeral "20" to show the protective means of claim 12. No new matter has been added by these amendments to the drawings.

Accordingly, entry of the replacement sheets of drawings into the application is respectfully requested.

Attachments: Replacement sheets

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REMARKS

Claims 1, 2, 4-6 and 11-20 are pending in the present application. Claims 3 and 7-10 have been canceled, and claims 1, 2, 4-6 and 11-20 have been amended. Reconsideration of the application, as amended, is respectfully requested.

Drawings

The drawings are objected to because they appear to be informal drawings. Additionally, the drawings are further objected to under 37 C.F.R. § 1.83(a) because the "protective means" of claim 12 must be shown in the drawings.

As will be seen by the above amendments, replacement sheets containing Figs. 1A, 1B and 2-6, i.e., all of the drawings, are submitted herewith to overcome the objections of the Examiner.

Additionally, reference numeral 20 has been inserted in Fig. 1A to identify the protective cap placed at the proximal end 2b of the insertion probe 2.

Reconsideration and withdrawal of the objection to the drawings and entry of the replacement sheets are respectfully requested.

Abstract

The Abstract of the Disclosure is objected to because it exceeds 150 words and must be limited to a single paragraph. Additionally, the term "comprising" should not be used.

Application No. 10/669,359
Amendment dated June 26, 2007
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Docket No.: 3560-0132P

As will be seen by the above amendments, the Abstract has been rewritten to overcome the Examiner's objections. Accordingly, reconsideration and withdrawal of the objection to the Abstract are respectfully requested.

Allowable Subject Matter

The Examiner is thanked for the indication that claims 4-6 and 9 would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims.

Additionally, claim 10 was indicated as being allowable if rewritten to overcome the rejections under 35 U.S.C. § 112, second paragraph. As noted above, claim 10 has been canceled.

Claim Rejections – 35 U.S.C. § 112

Claim 10 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Additionally, with regard to claim 10, the Examiner state that it is unclear how the third inflatable chamber is located equidistant between said tunnel channel (a single element). This rejection is respectfully traversed.

As will be seen by the above amendments, claim 10 has been canceled. Accordingly, the rejection to claim 10 under 35 U.S.C. § 112 is obviated.

Application No. 10/669,359
Amendment dated June 26, 2007
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Docket No.: 3560-0132P

Claim Rejections – 35 U.S.C. §§ 102 and 103

Claims 1-3, 11, 13 and 20 stand rejected under 35 U.S.C. § 102(b) as being anticipated by D'Andrea (U. S. Patent 5,653,683). Claims 1-3, 13, 14, 15 and 20 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Winkler et al (U. S. Patent 6,482,142 – hereinafter “Winkler”). Claims 7, 8, 12, and 16-19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over D'Andrea. Claims 14 and 15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over D'Andrea as applied to claims 1 and 13 above, and further in view of Winkler. These rejections are respectfully traversed.

D'Andrea discloses a device for radiation treatment of proliferative tissue surrounding a cavity in an animal body, said device being constructed as:

- a supportive probe to be inserted with a distal end into said body cavity, whereas a proximal end will remain outside said cavity;
- at least a first inflatable chamber being connected with said distal probe end for placement in said cavity;
- inflation means for inflating and deflating said at lest first chamber;
- at least one hollow, flexible tunnel channel having at least one fixation point to said wall of said first inflatable chamber and a proximal end remaining outside said cavity; and
- radiation delivering means for placing at least one energy emitting source through said tunnel channel within said cavity for performing said radiation treatment.

Winkler also discloses these features.

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Amendment dated June 26, 2007
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Docket No.: 3560-0132P

Claim 1, as now amended, includes the subject matter of now canceled claim 3. Accordingly, the claimed invention as amended is directed to the features of *a distal end of said at least one hollow, flexible channel being fixed to the inner side of the wall of the first inflatable chamber.*

Neither D'Andrea nor Winkler disclose this feature. In D'Andrea, the several flexible tunnel channels 50 are connected with the distal ends *to the distal end* of the insertion probe 10 and NOT to the inner wall of the inflatable chamber 20. See Figs. 1, 3 and 7 of D'Andrea. In Figs. 4-6, the tunnel channels 50 are connected to the inflatable chamber 20, however, over their full length. The distal ends of the tunnel channels 50 are still connected to the insertion probe 10.

These same arguments apply to Winkler. See Fig. 1, where the tunnel channels 24 are attached *over their full length* to the inner wall of the inflatable chamber. Fig. 3 is a side view from Fig. 1.

With the features of amended claim 1, a more versatile orientation of the energy emitting sources within the inflated balloon can be obtained, resulting in an emitted dose distribution conformal to the pre-planned dose distribution prior to the treatment. Therefore, it is respectfully submitted that new claim 1 is novel and inventive over the prior art.

In view of the above amendments, it is believed that claim 1 is patentable over the cited art. Additionally, since claims 2, 4-6, and 11-20 depend directly or indirectly on allowable claim 1, these claims should also be allowable. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. §§ 102 and 103 are respectfully requested.

Application No. 10/669,359
Amendment dated June 26, 2007
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Docket No.: 3560-0132P

Conclusion

Favorable reconsideration and an early Notice of Allowance are earnestly solicited.

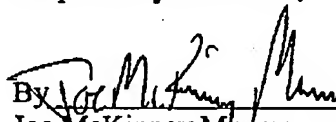
Because the additional prior art cited by the Examiner has been included merely to show the state of the prior art and has not been utilized to reject the claims, no further comments concerning these documents are considered necessary at this time.

In the event that any outstanding matters remain in this application, the Examiner is invited to contact the undersigned at (703) 205-8000 in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: June 26, 2007

Respectfully submitted,

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Attachments: Substitute Abstract
Replacement Sheets of Drawings